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March 16, 2020

**By ECF**

Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Oliver v. City of New York, et al.,  
19 Civ. 11219 (PGG) (JLC)

**MEMO ENDORSED**

The Application is granted.

SO ORDERED:

  
Paul G. Gardephe, U.S.D.J.

Dated: March 17, 2020

Dear Judge Gardephe:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced action. Defendants, with plaintiff's consent, respectfully submit this request to adjourn the Initial Pretrial Conference presently scheduled for April 2, 2020 until May 4, 2020, and to stay discovery until the conference is held.<sup>1</sup>

Defendants make this request to adjourn the April 2, 2020 Initial Pretrial Conference because I, their counsel, have been potentially exposed to an individual on my office floor who has tested positive for COVID-19. I have been advised that, pursuant to this Court's Notice to the Bar, dated March 9, 2020, I am unable to enter the courthouse, and my clients' rights would be prejudiced by my non-appearance at the conference.

Accordingly, defendants, with plaintiff's consent, respectfully request that the April 2, 2020 Initial Pretrial Conference be adjourned until May 4, 2020, and that discovery be stayed until the conference is held.

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<sup>1</sup> On March 6, 2020, defendants filed a letter motion requesting a pre-motion conference to discuss their anticipated motion to dismiss the Complaint in its entirety. See Dkt. No. 24. Defendants also requested that discovery be stayed and the April 2, 2020 conference be adjourned *sine dine* until the Court decides defendants' motion. See *id.* On March 11, 2020, plaintiff filed a letter opposing defendants' requests. See Dkt. No. 25. The Court has not yet issued an order addressing defendants' letter motion.

By making the instant request for an adjournment of the conference, defendants do not withdraw their prior request for a pre-motion conference, or their requests for a general stay of discovery an adjournment of the conference *sine dine*. Should the Court decide to hold a pre-motion conference to discuss defendants' anticipated motion, defendants, with plaintiff's consent, respectfully request that such conference be held by telephone for the reasons set forth herein.

**HONORABLE PAUL G. GARDEPHE**

United States District Judge

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Thank you for your consideration of this request.

Respectfully submitted,

/s/ Leo T. Ernst

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Leo T. Ernst

Assistant Corporation Counsel

cc: Morvillo Abramowitz Grand Iason & Anello P.C.  
(By ECF)